

Abstract

This paper discusses the design and the possibilities of its legal protection at national, European and international level. The first section defines the concept of design, its role in today's world, its characteristics and the different kinds of design. The recently adopted Civil Code expanded the definition of things in the legal sense by including into this category also intangible assets. Thus, the paper deals further on with the change in the legal concept of design newly considered to be an intangible thing.

In the following paragraphs the focus is on intellectual property rights and its individual components. Briefly defines the scope of copyright, industrial property rights and their differences and principles.

A substantial part of the work focuses on design protection. The first part of this chapter deals with the possibilities of legal protection in the Czech legal order. Mentions protection through institutes of copyright, trademark, unfair competition and industrial designs, compares the relationship of these institutes and their concurrence. The legislation of industrial designs is then analyzed in detail, both in terms of the Czech Act no. 207/2000 Coll., On protection of industrial designs, and in terms of international treaties. The paper then comments on European regulation of registered and unregistered Community design, which plays a key role with respect to the Czech Republic's membership in the European Union. Then, the different requirements demanded on design at various levels (national, European, international) are described, together with their specifics, advantages and disadvantages, course of registration procedures and fees associated with them.

The last chapter summarizes the legal means of enforcement of industrial property rights. It focuses on means of private law, mentioning various types of civil actions, and, as well, means to be used prior to the proceedings on the merits, i.e. interlocutory injunctions and evidence warrant. Also comments on the procedure under administrative law. The paper deals with the powers of the Czech Trade Inspection entrusted to it by the Act On Consumer Protection, protection of international trade through Act on measures concerning the import, export and re-export of goods infringing certain intellectual property rights and the role of customs offices. For illegal actions of higher intensity, that is illegal actions with significant economic impact, suggests the use of criminal law procedures.

In the conclusion, argues over how the counterfeiting and the protection of design is perceived by the society, over profitability of legal protection of design and over the state of Czech legislation in this area.